

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BCS SOFTWARE, LLC,

Plaintiff

v.

CODELATHE TECHNOLOGIES, INC.

Defendant

Case No. 6:20-cv-0027

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff BCS Software, LLC (“Plaintiff” or “BCS”) hereby asserts the following claims for patent infringement against CodeLathe Technologies, Inc. (“Defendant” or “CodeLathe”), and alleges, upon information and belief, as follows:

THE PARTIES

1. BCS Software, LLC is a limited liability company organized and existing under the laws of the Texas with its principal place of business at 600 Columbus Avenue, Suite 106, #7, Waco, Texas 76701.
2. Upon information and belief, CodeLathe Technologies, Inc. is a corporation organized and existing under the laws of Texas, with a regular and established place of business located at 13785 Research Blvd #125, Austin, TX 78750 and may be served through its designated agent for service of process, Madhan Kumar Kangavel, Chief Executive Officer, 604 Williams Way, Cedar Park, TX 78613.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
4. Defendant has committed acts of infringement in this judicial district.
5. Upon information and belief, Defendant has a regular and established place of business in this judicial district at 13785 Research Blvd #125, Austin, TX 78750.
6. Upon information and belief, the Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.
7. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Western District of Texas.
8. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 1400(b).

U.S. PATENT NO. 8,819,120

9. BCS is the owner, by assignment, of U.S. Patent No. 8,819,120 ("the '120 Patent"), entitled "METHOD AND SYSTEM FOR GROUP COMMUNICATIONS," which issued on August 26, 2014.
10. The '120 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.
11. The '120 Patent includes numerous claims defining distinct inventions.

12. The priority date of each of the '120 Patents is at least as early as October 2004. As of the priority date, the inventions as claimed were novel, non-obvious, unconventional, and non-routine.
13. The claims of the '120 Patent are not drawn to laws of nature, natural phenomena, or abstract ideas. Although the systems and methods claimed in the '120 Patent are ubiquitous now (and, as a result, are widely infringed), the specific combinations of elements, as recited in the claims, were not conventional or routine at the time of the invention.
14. Further, the claims of the '120 Patent contain inventive concepts which transform the underlying non-abstract aspects of the claims into patent-eligible subject matter.
15. Consequently, the claims of the '120 Patent recite apparatuses and methods resulting in improved functionality of the claimed systems and represent technological improvements to the operation of computers. The claims of the '120 Patent unconventionally provide a group communication system allowing a group of users to participate in communications including internal mail, message exchanging and accessing files. *See, e.g.*, '120 Patent at Abstract.
16. The claims of the '120 Patent overcome deficiencies existing in the art as of the date of invention, and comprise non-conventional approaches that transform the inventions as claimed into substantially more than mere abstract ideas. For example, as of the date of invention, “[w]hat a modern enterprise desires is a true collaborative environment in which co-workers or individuals involved can share information and data, and participate in discussion confidentially without intrusions from others, regardless where they are and in what time zone.” '120 Patent at 2:20-25. The inventions as claimed overcome these

deficiencies in the state of the art, and provide substantial technological benefits to all parties. Further, as of the date of invention, “Email and IM each provide some features desired for a true collaborative environment but none offers all. The present invention discloses a collaborative platform that facilitates such requirements. Besides providing a non-intrusive communication platform, the present invention also provides data mobility to users.” *Id.* at 2:25-30. As such, the inventions as claimed provide non-conventional solutions to the conventional problems of the day because the collaborative platform allowed users to enjoy more secure interactions, along with data mobility.

NOTICE OF BCS’ PATENTS

17. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,240,421 (the “’421 Patent”), entitled “System, software and apparatus for organizing, storing and retrieving information from a computer database,” which issued on May 29, 2001. A copy of the ’421 Patent is available at <https://patents.google.com/patent/US6240421B1/en?q=6240421>.
18. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,421,821 (the “’821 Patent”), entitled “Flow chart-based programming method and system for object-oriented languages,” which issued on July 16, 2002. A copy of the ’821 Patent is available at <https://patents.google.com/patent/US6421821B1/en?q=6421821>.
19. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,658,377 (the “’377 Patent”), entitled “Method and system for text analysis based on the tagging, processing, and/or reformatting of the input text,” which issued on December 2, 2003. A copy of the ’377 Patent is available at <https://patents.google.com/patent/US6658377B1/en?q=6658377>.
20. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,895,502 (the “’502 Patent”), entitled “Method and system for securely displaying and confirming request to perform

operation on host computer,” which issued on May 17, 2005. A copy of the ’502 Patent is available at <https://patents.google.com/patent/US6895502B1/en?q=6895502>.

21. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,200,760 (the “’760 Patent”), entitled “System for persistently encrypting critical software data to control the operation of an executable software program,” which issued on April 3, 2007. A copy of the ’760 Patent is available at <https://patents.google.com/patent/US7200760B2/en?q=7200760>.
22. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,302,612 (the “’612 Patent”), entitled “High level operational support system,” which issued on November 27, 2007. A copy of the ’809 Patent is available at <https://patents.google.com/patent/US7302612B2/en?q=7302612>.
23. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,533,301 (the “’301 Patent”), entitled “High level operational support system,” which issued on May 12, 2009. A copy of the ’809 Patent is available at <https://patents.google.com/patent/US7533301B2/en?q=7533301>.
24. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,730,129 (the “’129 Patent”), entitled “Collaborative communication platforms,” which issued on June 1, 2010. A copy of the ’129 Patent is available at <https://patents.google.com/patent/US7730129B2/en?q=7730129>.
25. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,840,893 (the “’893 Patent”), entitled “Display and manipulation of web page-based search results,” which issued on November 23, 2010. A copy of the ’893 Patent is available at <https://patents.google.com/patent/US7840893B2/en?q=7840893>.

26. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,895,282 (the “’282 Patent”), entitled “Internal electronic mail system and method for the same,” which issued on February 22, 2011. A copy of the ’282 Patent is available at <https://patents.google.com/patent/US7895282B1/en?q=7895282>.
27. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,890,809 (the “’809 Patent”), entitled “High level operational support system,” which issued on February 15, 2011. A copy of the ’809 Patent is available at <https://patents.google.com/patent/US7890809B2/en?q=7890809>.
28. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,996,464 (the “’464 Patent”), entitled “Method and system for providing a user directory,” which issued on August 9, 2011. A copy of the ’464 Patent is available at <https://patents.google.com/patent/US7996464B1/en?q=7996464>.
29. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,996,469 (the “’469 Patent”), entitled “Method and system for sharing files over networks,” which issued on August 9, 2011. A copy of the ’469 Patent is available at <https://patents.google.com/patent/US7996469B1/en?q=7996469>.
30. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,171,081 (the “’081 Patent”), entitled “Internal electronic mail within a collaborative communication system,” which issued on May 1, 2012. A copy of the ’081 Patent is available at <https://patents.google.com/patent/US8171081B1/en?q=8171081>.
31. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,176,123 (the “’123 Patent”), entitled “Collaborative communication platforms,” which issued on May 8,

2012. A copy of the '123 Patent is available at <https://patents.google.com/patent/US8176123B1/en?q=8176123>.

32. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,285,788 (the “’788 Patent”), entitled “Techniques for sharing files within a collaborative communication system,” which issued on October 9, 2012. A copy of the ’788 Patent is available at <https://patents.google.com/patent/US8285788B1/en?q=8285788>.

33. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,554,838 (the “’838 Patent”), entitled “Collaborative communication platforms,” which issued on October 8, 2013. A copy of the ’838 Patent is available at <https://patents.google.com/patent/US8554838B1/en?q=8554838>.

34. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,819,120 (the “’120 Patent”), entitled “Method and system for group communications,” which issued on August 26, 2014. A copy of the ’120 Patent is available at <https://patents.google.com/patent/US8819120B1/en?q=8819120>.

35. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,984,063 (the “’063 Patent”), entitled “Techniques for providing a user directory for communication within a communication system,” which issued on March 17, 2015. A copy of the ’063 Patent is available at <https://patents.google.com/patent/US8984063B1/en?q=8984063>.

36. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,396,456 (the “’456 Patent”), entitled “Method and system for forming groups in collaborative communication system,” which issued on July 19, 2016. A copy of the ’456 Patent is available at <https://patents.google.com/patent/US9396456B1/en?q=9396456>.

DEFENDANT'S PRODUCTS

- 37. Upon information and belief, Defendant makes, uses, imports, sells, and/or offers for sale the FileCloud product (the "Accused Product").
- 38. Defendant performs and induces others to perform a method for sharing data via a server.

COUNT I

(Infringement of U.S. Patent No. 8,819,120)

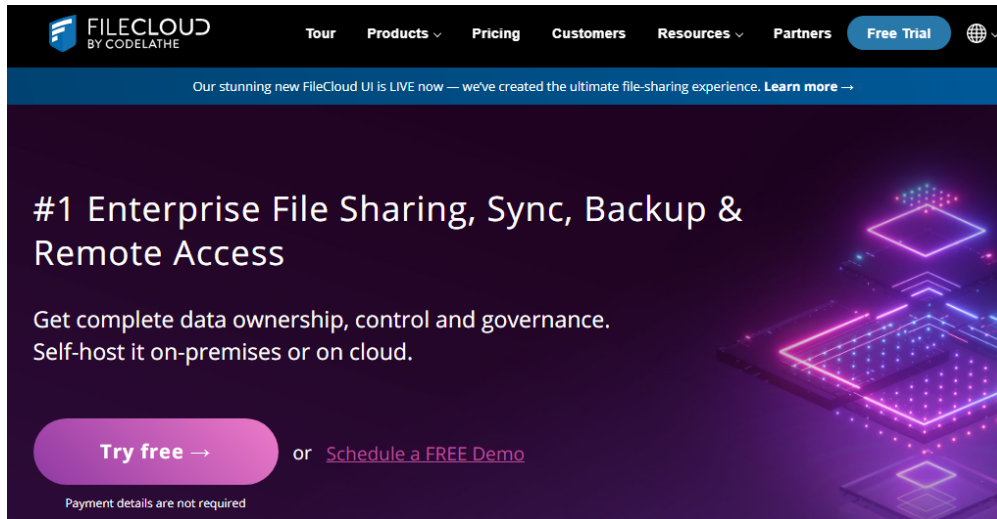
- 39. Plaintiff incorporates each of the foregoing paragraphs by reference.
- 40. Defendant has been on notice of the '120 Patent at least as early as the date it received service of this complaint.
- 41. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least claims 1, 2 and 3 of the '120 Patent by making, using, importing, selling, and/or, offering for sale the Accused Product.
- 42. Defendant, with knowledge of the '120 Patent, infringes the '120 Patent by inducing others to infringe the '120 Patent. In particular, Defendant intends to induce its customers to infringe the '120 Patent by encouraging its customers to use the Accused Product. Defendant's acts of inducement are actionable at least as of the date of service of the Original Complaint in this matter.
- 43. Defendant also induces others, including its customers, to infringe the '120 Patent by providing technical support for the use of the Accused Product.
- 44. Upon information and belief, at all times Defendant owns and controls the operation of the Accused Product in accordance with an end user license agreement.

45. Claim 1 of the '120 Patent recites:

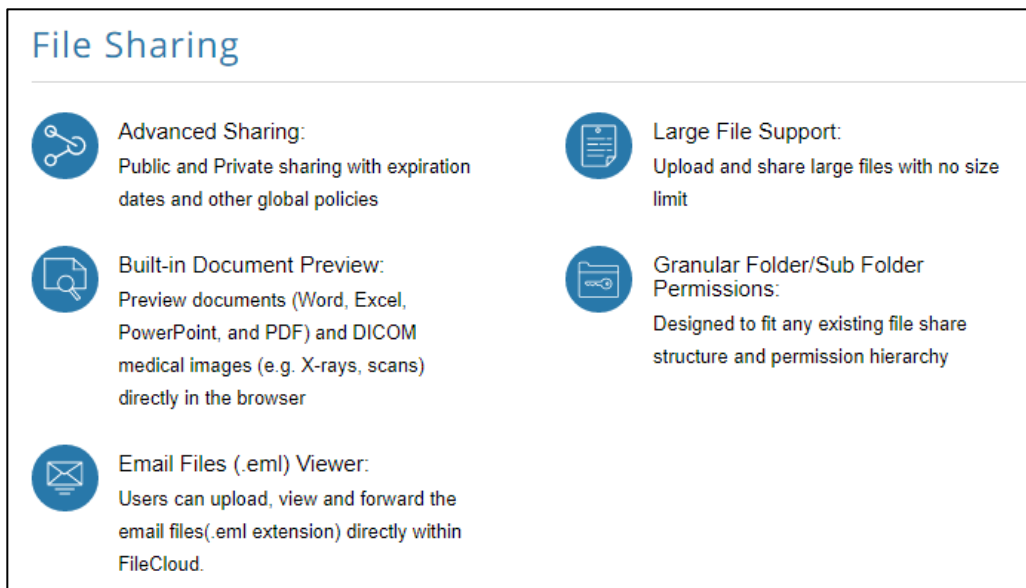
1. A method for sharing data via a server, comprising:

- (a) receiving by the server a request from a first client machine to establish a connection with a second client machine;
- (b) forwarding the request by the server to the second client machine;
- (c) permitting the first client machine to communicate with the second client machine via the server in response to the second client machine granting the request;
- (d) in response to the first client machine uploading a file to a file list coupled to a store that is remotely located to the first and second client machines:
 - (i) notifying the second client machine by the server of the file, and
 - (ii) establishing a level of access to the file list coupled to the store,
- wherein the store is independent of a file path and unnavigable to by a user; and
- (e) establishing a connection between the file list and the store by a secured channel to download the file.

46. With the Accused Product, Defendant performs a method for sharing data via a server. For example, Defendant provides FileCloud (“server”) which lets users share data including but not limited to documents and images within a team.



Source: <https://www.getfilecloud.com/>








Source: <https://www.getfilecloud.com/>

47. With the Accused Product, Defendant performs a method for sharing data via a server comprising receiving by the server a request from a first client machine to establish a connection with a second client machine.

For example, FileCloud (“server”) receives a file sharing request from a first user in order to share files with a second user. FileCloud generates a share link that is shared with the second user to provide access to the shared files.

File Sharing

 Advanced Sharing: Public and Private sharing with expiration dates and other global policies	 Large File Support: Upload and share large files with no size limit
 Built-in Document Preview: Preview documents (Word, Excel, PowerPoint, and PDF) and DICOM medical images (e.g. X-rays, scans) directly in the browser	 Granular Folder/Sub Folder Permissions: Designed to fit any existing file share structure and permission hierarchy
 Email Files (.eml) Viewer: Users can upload, view and forward the email files(.eml extension) directly within FileCloud.	

Source: <https://www.getfilecloud.com/>

Secure Remote Access

Always have secure remote access to your files. FileCloud offers multiple access options and will integrate seamlessly with your existing file systems. We protect your files and make them available to you across all of your devices.

Smart Drive

Our FileCloud Drive app mounts your cloud space as a local disk. It provides access to terabytes of files without consuming local storage. Virtual drive helps limit offline copies of files and comply with regulations.

Share Securely

Create public, private or password protected links. Securely receive files and set up group spaces for team file sharing. Mark your files view only, restrict the number of downloads, make them available for a limited time, FileCloud lets you share how you want.

Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>

Sharing and Backup	Server Run FileCloud on your own server	Online We host FileCloud for you
Public, Private and Time Limited Shares	✓	✓
Free, Unlimited Client Accounts	✓	✓
Share Multiple Files and Folders	✓	✓
Multilevel Subfolder Sharing	✓	✓
Embedded File Upload Form	✓	✓
Granular Control of Privileges (download, uploads, share, sync and delete) for Shared Files	✓	✓
File Change Notifications	✓	✓
View Only Shares/ Anonymous Uploads	✓	✓

Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>

Secure File Sharing

Create a public or a fully private share to files where you can exchange business files with clients easily and securely. You can send large files by email, conduct a secure file transfer or set up a collaboration space for project-related files.

Granular sharing options

Limit the maximum number of downloads for a shared file, automatically expire a share after a certain time, anonymous file uploads, prevent downloads, and integrate file uploads with your website and more.

File versioning and recyclebin

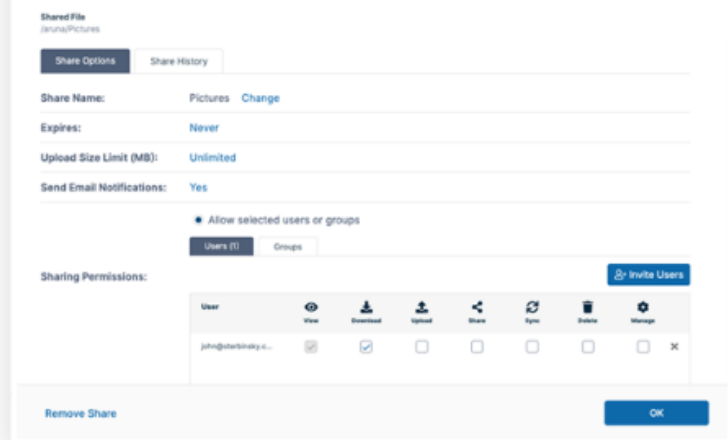
Automatically saves versions of files as they change, making it easy to get back to a previous versions. Recycle bin support allows deleted files and folders to be recovered by users or admins quickly and effectively.

Endpoint backup

Backup and restore across all platforms (Win, Mac, Linux) and devices (Desktops and Smartphones). Automatically backup media files from iOS and Android devices to FileCloud.

Manage Shares

Based on share permissions, users can manage shares created by other users. Share Owners can view and manage shares created from their shared folders by other users. Share Owners can assign managers to view and manage shares created from their shared folders by other users.








Source: <https://www.getfilecloud.com/filecloud-overview-tour/#>

48. With the Accused Product, Defendant performs a method for sharing data via a server comprising forwarding the request by the server to the second client machine.

For example, FileCloud generates a share link which is sent to the second user (“second client machine”) to provide access to the shared files from the first user (“first client machine”). FileCloud generates a share link which is sent to the second user (“second client machine”) to provide access to the shared files from the first user (“first client machine”).

File Sharing

 Advanced Sharing: Public and Private sharing with expiration dates and other global policies	 Large File Support: Upload and share large files with no size limit
 Built-in Document Preview: Preview documents (Word, Excel, PowerPoint, and PDF) and DICOM medical images (e.g. X-rays, scans) directly in the browser	 Granular Folder/Sub Folder Permissions: Designed to fit any existing file share structure and permission hierarchy
 Email Files (.eml) Viewer: Users can upload, view and forward the email files(.eml extension) directly within FileCloud.	

Source: <https://www.getfilecloud.com/>

Secure Remote Access

Always have secure remote access to your files. FileCloud offers multiple access options and will integrate seamlessly with your existing file systems. We protect your files and make them available to you across all of your devices.

Smart Drive

Our FileCloud Drive app mounts your cloud space as a local disk. It provides access to terabytes of files without consuming local storage. Virtual drive helps limit offline copies of files and comply with regulations.

Share Securely

Create public, private or password protected links. Securely receive files and set up group spaces for team file sharing. Mark your files view only, restrict the number of downloads, make them available for a limited time, FileCloud lets you share how you want.

Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>

Sharing and Backup	Server Run FileCloud on your own server	Online We host FileCloud for you
Public, Private and Time Limited Shares	✓	✓
Free, Unlimited Client Accounts	✓	✓
Share Multiple Files and Folders	✓	✓
Multilevel Subfolder Sharing	✓	✓
Embedded File Upload Form	✓	✓
Granular Control of Privileges (download, uploads, share, sync and delete) for Shared Files	✓	✓
File Change Notifications	✓	✓
View Only Shares/ Anonymous Uploads	✓	✓

Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>

Secure File Sharing

Create a public or a fully private share to files where you can exchange business files with clients easily and securely. You can send large files by email, conduct a secure file transfer or set up a collaboration space for project-related files.

Granular sharing options

Limit the maximum number of downloads for a shared file, automatically expire a share after a certain time, anonymous file uploads, prevent downloads, and integrate file uploads with your website and more.

The screenshot shows the 'Shared File' settings for a share named 'Pictures'. It includes tabs for 'Share Options' and 'Share History'. Under 'Share Options', fields include 'Share Name' (Pictures), 'Expires' (Never), 'Upload Size Limit (MB)' (Unlimited), and 'Send Email Notifications' (Yes). There is a section for 'Allow selected users or groups' with 'Users (1)' and 'Groups' tabs. Below this is a 'Sharing Permissions' table with columns for 'User', 'View', 'Download', 'Upload', 'Share', 'Sync', 'Delete', and 'Manage'. One user, 'john@getfilecloud.com', is listed with various permission checkboxes. At the bottom are 'Remove Share' and 'OK' buttons.

File versioning and recyclebin

Automatically saves versions of files as they change, making it easy to get back to a previous versions. Recycle bin support allows deleted files and folders to be recovered by users or admins quickly and effectively.

Endpoint backup

Backup and restore across all platforms (Win, Mac, Linux) and devices (Desktops and Smartphones). Automatically backup media files from iOS and Android devices to FileCloud.

Manage Shares

Based on share permissions, users can manage shares created by other users. Share Owners can view and manage shares created from their shared folders by other users. Share Owners can assign managers to view and manage shares created from their shared folders by other users.

Source: <https://www.getfilecloud.com/filecloud-overview-tour/#>

Share link for teamfile.docx

Share Link
<https://copperpod.filecloudonline.com/url/qxic3bd22abg2wmi> [Modify Link](#) [Copy](#) [Share](#) [Email](#)

Shared File
 /rahul/teamfile.docx

Share Options | **Share History**

Share Name: teamfile.docx [Change](#)

Expires: [Never](#)

Send Email Notifications: [Yes](#)

☐ Allow anyone with link
☐ Allow anyone with link and a password
☒ Allow selected users or groups

Users (1) | **Groups**

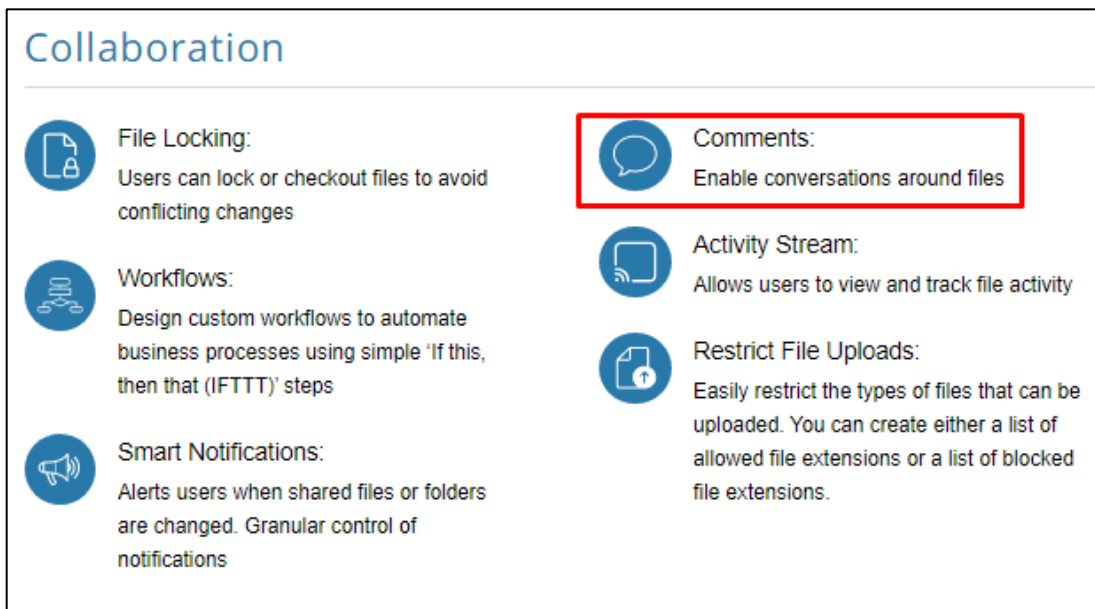
Sharing Permissions: [Invite Users](#)

User	View	Download	Upload	Share	Sync	Delete	Manage
gulshan@copperpo...	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Remove Share](#) [OK](#)

Source: FileCloud website as seen by a typical user at
filecloudonline.com/ui/core/index.html#shrd-mgmt

49. With the Accused Product, Defendant performs a method for sharing data via a server comprising permitting the first client machine to communicate with the second client machine via the server in response to the second client machine granting the request. For example, when the second user (“second client machine”) accesses the share link forwarded from the first user (“first client machine”) through FileCloud (“server”), FileCloud provides Comments functionality which allows the first user to have conversations around the shared files with the second user.











Source: <https://www.getfilecloud.com/>

Approval workflows	✓	✓
Complex workflow – ('If this, then that' Steps)	✓	✓
Comments on folder level	✓	✓
Comments on file level	✓	✓
Activity stream	✓	✓
@ mentions to send messages/notify other users	✓	✓
User notifications for file adds, file changes and new comments	✓	✓

Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>


50. With the Accused Product, Defendant performs a method for sharing data via a server comprising in response to the first client machine uploading a file to a file list coupled to a store that is remotely located to the first and second client machines notifying the second client machine by the server of the file. For example, the shared data among the first user ("first client machine") and the second user ("second client machine") of FileCloud is stored in the remotely located cloud storage ("store") comprising various

folders and subfolders (“file list”). For example, when the first user uploads a file to the shared folder, FileCloud (“server”) comprises smart notifications functionality using which it provides notifications to the second user when shared files or folders are changed by first user.


	
<h3>FileCloud Server</h3>	<h3>FileCloud Online</h3>
<p>Run your own private Dropbox-like file sharing and sync solution, integrated with your IT infrastructure and storage.</p>	<p>We host FileCloud for you on a world class infrastructure in the region of your choice. No installation. We take care of all the technical details.</p>
<div>  Self hosted by you  Enable remote access, sync to network shares (NTFS)  Your data stays on-premises </div>	<div>  Hosted by us  Free unlimited partner accounts  Better alternative to Box, Dropbox. 5x ROI, better feature set </div>

Source: <https://www.getfilecloud.com/>


File Sharing




Advanced Sharing:
Public and Private sharing with expiration dates and other global policies




Large File Support:
Upload and share large files with no size limit



Built-in Document Preview:
Preview documents (Word, Excel, PowerPoint, and PDF) and DICOM medical images (e.g. X-rays, scans) directly in the browser



Granular Folder/Sub Folder Permissions:
Designed to fit any existing file share structure and permission hierarchy



Email Files (.eml) Viewer:
Users can upload, view and forward the email files(.eml extension) directly within FileCloud.

Source: <https://www.getfilecloud.com/>

Secure Remote Access
Always have secure remote access to your files. FileCloud offers multiple access options and will integrate seamlessly with your existing file systems. We protect your files and make them available to you across all of your devices.

Smart Drive
Our FileCloud Drive app mounts your cloud space as a local disk. It provides access to terabytes of files without consuming local storage. Virtual drive helps limit offline copies of files and comply with regulations.

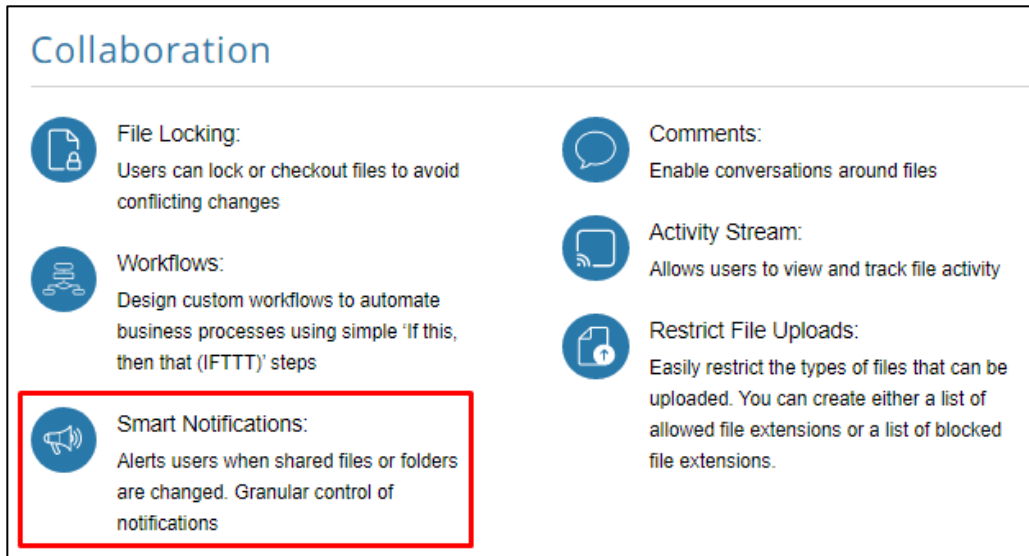
Share Securely
Create public, private or password protected links. Securely receive files and set up group spaces for team file sharing. Mark your files view only, restrict the number of downloads, make them available for a limited time, FileCloud lets you share how you want.

Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>

The screenshot shows the FileCloud web interface. On the left is a sidebar with navigation options: All Files, My Files (with sub-items Team1, Team2, Team3), Recent Documents, Starred, Shared by Me, File Operations, Notice, and Deleted Files. The main content area is titled 'Shared by me' and shows 6 items. Below the title are filters for 'Show' (My Shares), 'Share Type' (All), and 'Expiration' (Show All). A table lists the shared items with columns for Name, Last Access, Creation Date, and Activities in the last 30 days.

Name	Last Access	Creation Date	Activities in the last 30 days
teamfile.docx	Today	Dec 31, 2020 6:34 AM	2
logowhite.png	Today	Dec 31, 2020 6:30 AM	2
Team3	Today	Dec 31, 2020 6:26 AM	2
Team2	Today	Dec 31, 2020 6:24 AM	2
Team1	Today	Dec 31, 2020 6:19 AM	2
logoblack.png	Today	Dec 31, 2020 6:10 AM	5

Source: FileCloud website as seen by a typical user at filecloudonline.com/ui/core/index.html#shrd-mgmt











Source: <https://www.getfilecloud.com/>

Comments on file level	✓	✓
Activity stream	✓	✓
@ mentions to send messages/notify other users	✓	✓
User notifications for file adds, file changes and new comments	✓	✓
Document editing (doc, xls, ppt, pdf)	✓	✓
Built in Document preview	✓	✓

Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>

51. Wherein, in response to the first client machine uploading a file to a file list coupled to a store that is remotely located to the first and second client machines establishing a level of access to the file list coupled to the store, wherein the store is independent of a file path and unnavigable to by a user. For example, the shared data among the first user ("first client machine") and the second user ("second client machine") of FileCloud is stored in the geographically located cloud storage ("store"). The folders and subfolders ("file list") displayed to the users on their interfaces are corresponding to the data stored

at the storage (“file list coupled to the store”). For example, the first user shares a link to the shared folder for the second user to access the data stored in the shared folder. This link does not define location or name of the cloud storage and therefore the store is independent of the file path and unnavigable by any user. For example, FileCloud provides features to the first user to set access level on the shared data including but not limited to “view only”, “restrict the number of downloads” and “make them available for limited time”. When the first user shares a file or folder with the second user, the shared folder is accessible to the second user based on the access level set by the first user.

 <h3>FileCloud Server</h3> <p>Run your own private Dropbox-like file sharing and sync solution, integrated with your IT infrastructure and storage.</p> <div>  Self hosted by you  Enable remote access, sync to network shares (NTFS)  Your data stays on-premises </div>			 <h3>FileCloud Online</h3> <p>We host FileCloud for you on a world class infrastructure in the region of your choice. No installation. We take care of all the technical details.</p> <div>  Hosted by us  Free unlimited partner accounts  Better alternative to Box, Dropbox. 5x ROI, better feature set </div>		
--	--	--	---	--	--

Source: <https://www.getfilecloud.com/>

Secure Remote Access
 Always have secure remote access to your files. FileCloud offers multiple access options and will integrate seamlessly with your existing file systems. We protect your files and make them available to you across all of your devices.

Smart Drive
 Our FileCloud Drive app mounts your cloud space as a local disk. It provides access to terabytes of files without consuming local storage. Virtual drive helps limit offline copies of files and comply with regulations.

Share Securely
 Create public, private or password protected links. Securely receive files and set up group spaces for team file sharing. Mark your files view only, restrict the number of downloads, make them available for a limited time, FileCloud lets you share how you want.


Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>

The screenshot shows the FileCloud web interface. On the left is a sidebar with navigation options: All Files, My Files (with sub-items Team1, Team2, Team3), Recent Documents, Starred, Shared by Me, File Operations, Notice, and Deleted Files. The main content area is titled 'Shared by me' and shows 6 items. Below the title are filters for 'Show' (My Shares), 'Share Type' (All), and 'Expiration' (Show All). A table lists the shared items with columns for Name, Last Access, Creation Date, and Activities in the last 30 days.


Name	Last Access	Creation Date	Activities in the last 30 days
teamfile.docx	Today	Dec 31, 2020 6:34 AM	2
logowhite.png	Today	Dec 31, 2020 6:30 AM	2
Team3	Today	Dec 31, 2020 6:26 AM	2
Team2	Today	Dec 31, 2020 6:24 AM	2
Team1	Today	Dec 31, 2020 6:19 AM	2
logoblack.png	Today	Dec 31, 2020 6:10 AM	5

Source: FileCloud website as seen by a typical user at filecloudonline.com/ui/core/index.html#shrd-mgmt


File Sharing




Advanced Sharing:
Public and Private sharing with expiration dates and other global policies




Large File Support:
Upload and share large files with no size limit



Built-in Document Preview:
Preview documents (Word, Excel, PowerPoint, and PDF) and DICOM medical images (e.g. X-rays, scans) directly in the browser



Granular Folder/Sub Folder Permissions:
Designed to fit any existing file share structure and permission hierarchy

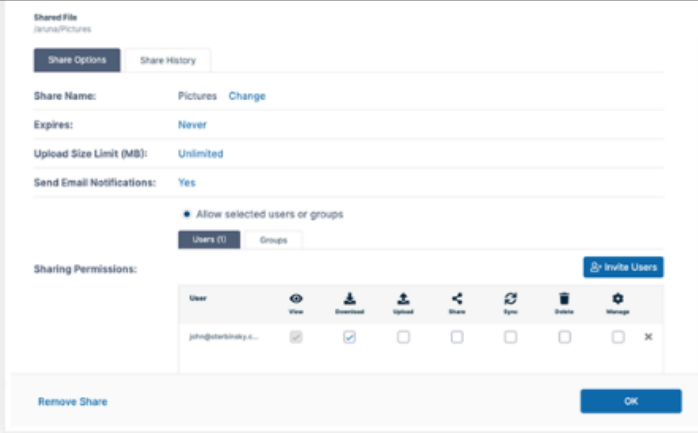


Email Files (.eml) Viewer:
Users can upload, view and forward the email files(.eml extension) directly within FileCloud.

Source: <https://www.getfilecloud.com/>

Secure File Sharing

Create a public or a fully private share to files where you can exchange business files with clients easily and securely. You can send large files by email, conduct a secure file transfer or set up a collaboration space for project-related files.



Granular sharing options

Limit the maximum number of downloads for a shared file, automatically expire a share after a certain time, anonymous file uploads, prevent downloads, and integrate file uploads with your website and more.

File versioning and recyclebin

Automatically saves versions of files as they change, making it easy to get back to a previous versions. Recycle bin support allows deleted files and folders to be recovered by users or admins quickly and effectively.

Endpoint backup

Backup and restore across all platforms (Win, Mac, Linux) and devices (Desktops and Smartphones). Automatically backup media files from iOS and Android devices to FileCloud.

Manage Shares

Based on share permissions, users can manage shares created by other users. Share Owners can view and manage shares created from their shared folders by other users. Share Owners can assign managers to view and manage shares created from their shared folders by other users.

Source: <https://www.getfilecloud.com/filecloud-overview-tour/#>

Share link for teamfile.docx

Share Link
<https://copperpod.filecloudonline.com/url/qxic3bd22abg2wmi> Modify Link

Shared File
 /rahul/teamfile.docx

Share Options | **Share History**

Share Name: teamfile.docx Change

Expires: Never

Send Email Notifications: Yes

☐ Allow anyone with link
☐ Allow anyone with link and a password
☒ Allow selected users or groups

Users (1) | **Groups**









Sharing Permissions: Invite Users

User	View	Download	Upload	Share	Sync	Delete	Manage
gulshan@copperpo...	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remove Share OK

Source: FileCloud website as seen by a typical user at
filecloudonline.com/ui/core/index.html#shrd-mgmt

52. With the Accused Product, Defendant performs a method for sharing data via a server comprising establishing a connection between the file list and the store by a secured channel to download the file. For example, when the second user accesses the shared link sent from the first user in order to access the shared file stored in cloud storage (“store”), FileCloud establishes a secure connection to download the file. FileCloud securely downloads data which is available to second user according to the access permission provided by the first user.

 <h2>FileCloud Server</h2> <p>Run your own private Dropbox-like file sharing and sync solution, integrated with your IT infrastructure and storage.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Self hosted by you</p> </div> <div style="text-align: center;">  <p>Enable remote access, sync to network shares (NTFS)</p> </div> <div style="text-align: center;">  <p>Your data stays on-premises</p> </div> </div>	 <h2>FileCloud Online</h2> <p>We host FileCloud for you on a world class infrastructure in the region of your choice. No installation. We take care of all the technical details.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Hosted by us</p> </div> <div style="text-align: center;">  <p>Free unlimited partner accounts</p> </div> <div style="text-align: center;">  <p>Better alternative to Box, Dropbox. 5x ROI, better feature set</p> </div> </div>
--	---

Source: <https://www.getfilecloud.com/>

Secure Remote Access

Always have secure remote access to your files. FileCloud offers multiple access options and will integrate seamlessly with your existing file systems. We protect your files and make them available to you across all of your devices.

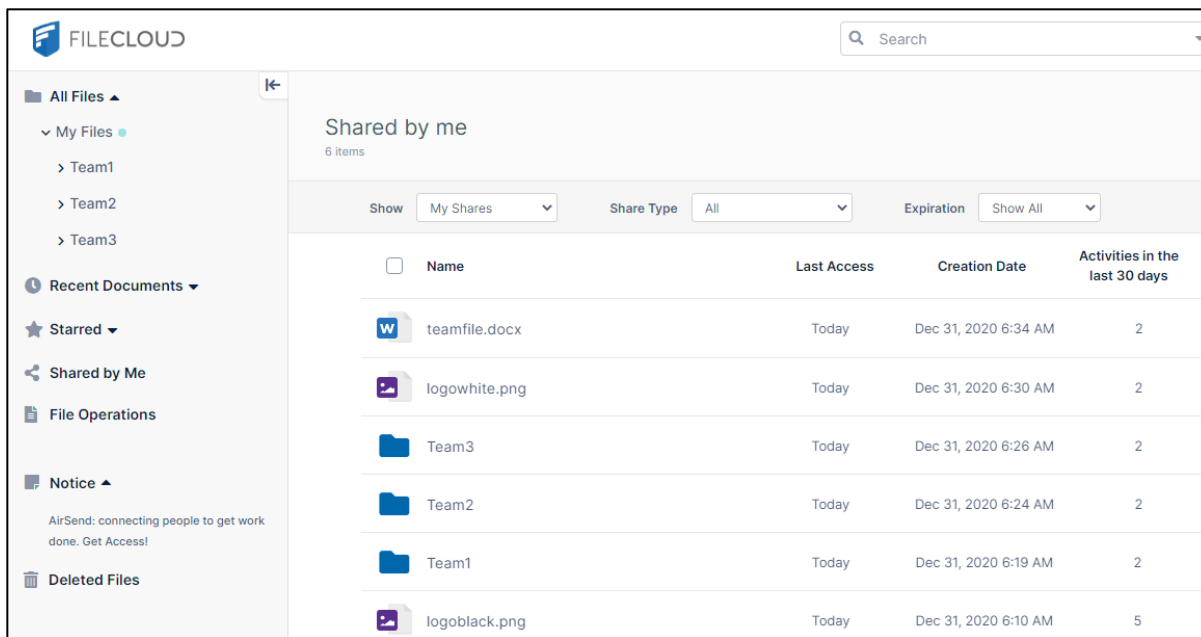
Smart Drive

Our FileCloud Drive app mounts your cloud space as a local disk. It provides access to terabytes of files without consuming local storage. Virtual drive helps limit offline copies of files and comply with regulations.

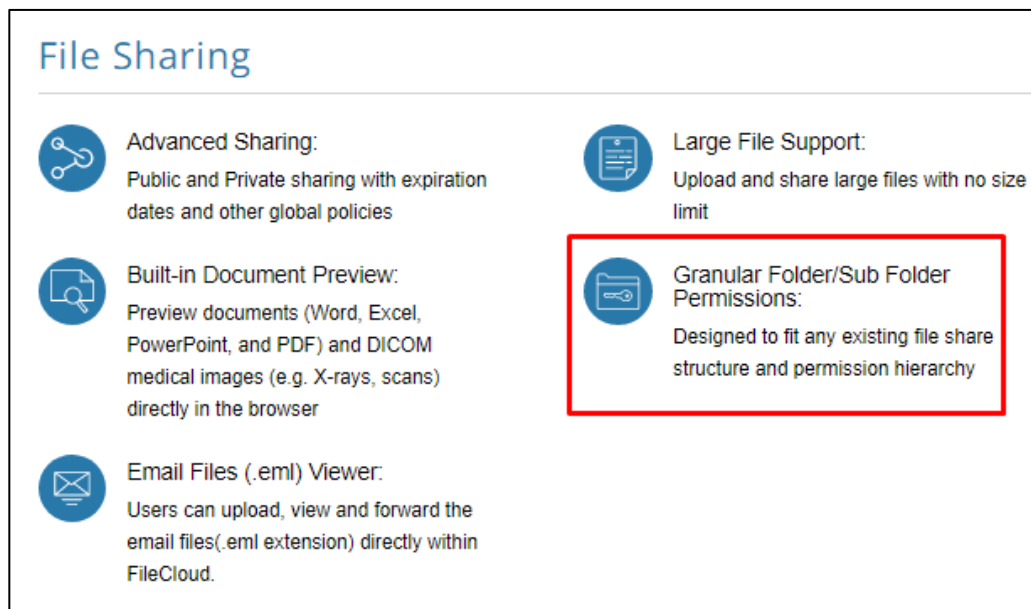
Share Securely

Create public, private or password protected links. Securely receive files and set up group spaces for team file sharing. Mark your files view only, restrict the number of downloads, make them available for a limited time, FileCloud lets you share how you want.

Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>



Source: FileCloud website as seen by a typical user at filecloudonline.com/ui/core/index.html#shrd-mgmt



Source: <https://www.getfilecloud.com/>

Secure File Sharing

Create a public or a fully private share to files where you can exchange business files with clients easily and securely. You can send large files by email, conduct a secure file transfer or set up a collaboration space for project-related files.

Granular sharing options

Limit the maximum number of downloads for a shared file, automatically expire a share after a certain time, anonymous file uploads, prevent downloads, and integrate file uploads with your website and more.

File versioning and recyclebin

Automatically saves versions of files as they change, making it easy to get back to a previous versions. Recycle bin support allows deleted files and folders to be recovered by users or admins quickly and effectively.

Endpoint backup

Backup and restore across all platforms (Win, Mac, Linux) and devices (Desktops and Smartphones). Automatically backup media files from iOS and Android devices to FileCloud.




Manage Shares

Based on share permissions, users can manage shares created by other users. Share Owners can view and manage shares created from their shared folders by other users. Share Owners can assign managers to view and manage shares created from their shared folders by other users.

Source: <https://www.getfilecloud.com/filecloud-overview-tour/#>

Share link for teamfile.docx

Share Link

[Modify Link](#)   

Shared File
/rahul/teamfile.docx

Share Options **Share History**

Share Name: teamfile.docx [Change](#)








Expires: [Never](#)

Send Email Notifications: [Yes](#)

☐ Allow anyone with link
☐ Allow anyone with link and a password
☒ Allow selected users or groups

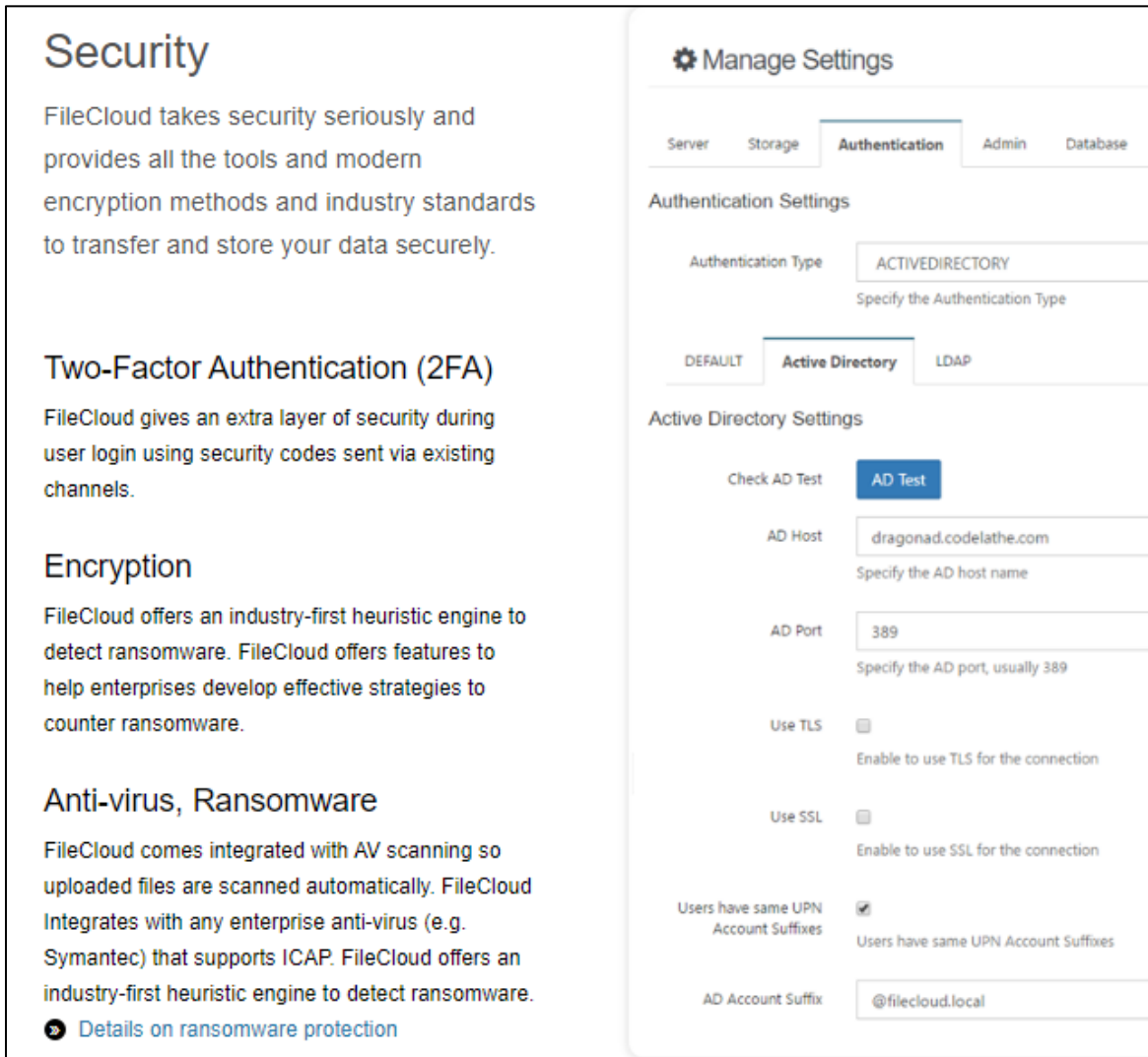
Users (1) **Groups**

Sharing Permissions: [Invite Users](#)

User	 View	 Download	 Upload	 Share	 Sync	 Delete	 Manage
gulshan@copperpo...	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> X

[Remove Share](#) [OK](#)

Source: FileCloud website as seen by a typical user at
filecloudonline.com/ui/core/index.html#shrd-mgmt



Source: <https://www.getfilecloud.com/filecloud-overview-tour/#>

53. Claim 2 of the '120 Patent recites:
 2. The method of claim 1, wherein a first user is a member of a group, and the request is to invite a second user to join the group, and the group is closed to other users that have not been invited by a member of the group, no mutual communication is allowed between a member of the group and any of the other users.
54. With the Accused Product, Defendant performs a method for sharing data via a server wherein a first user is a member of a group, and the request is to invite a second user to

join the group, and the group is closed to other users that have not been invited by a member of the group, no mutual communication is allowed between a member of the group and any of the other users. For example, when a first user shares a folder (“group”) already accessible to users with proper access permissions with a second user, the second user accesses the shared folder using the shared link and becomes one of the users with required access permissions to access the shared folder. Users with no required access permissions cannot access the folder and thus cannot further share the files (“mutual communication”) with users with proper access permissions.

Security	Server Run FileCloud on your own server	Online We host FileCloud for you
User Groups & group management	✓	✓
Policy enforcement on groups	✓	✓
Users or groups permissions for file actions such as read, delete, modify, download, share	✓	✓
Role based access controls	✓	✓

Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>

Administrator Features

User Management:
Manage users, groups, storage quotas, granular security policies

Role-based Access:
Delegate admin operations to fellow system administrators

Powerful REST APIs:
Integrate with FileCloud in minutes and create apps on top of FileCloud platform

File Analytics and Reports
Get insights on your business and collaboration, e.g., usage trends, access by geo, and content mix

Device Management:
Manage all connected devices

Full Audit Logs:
HIPAA compliant audit trail

Source: <https://www.getfilecloud.com/>

Share Link

<https://copperpod.filecloudonline.com/url/habv7tccfpguifzj> [Modify Link](#)

Shared File
/rahul/logoblack.png

Share Options | **Share History**

Share Name: logoblack.png [Change](#)

Expires: Never

Send Email Notifications: Yes

☐ Allow anyone with link
☐ Allow anyone with link and a password
☒ Allow selected users or groups

[Users \(2\)](#) **[Groups](#)**

Sharing Permissions: [Add Group](#)

Group	View	Download	Upload	Share	Sync	Delete	Manage

Source: FileCloud website as seen by a typical user at
filecloudonline.com/ui/core/index.html#shrd-mgmt

FILECLOUD

Manage Groups

Filter Filter by Name or Email [Show 10 Items](#)

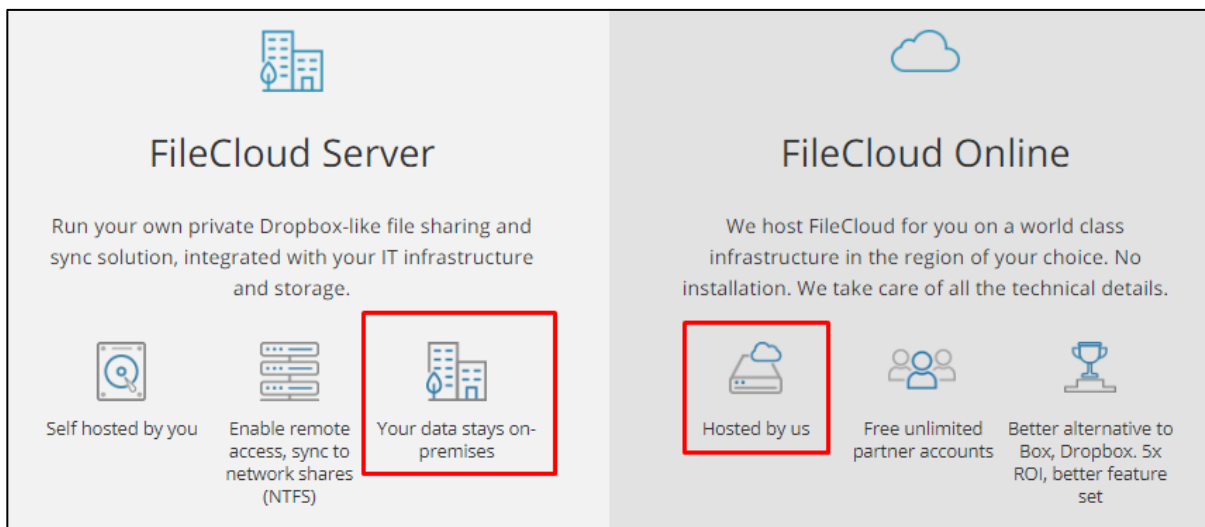
Group Name	Users in Group	Created On
EVERYONE	5	Dec 31, 2020 12:07 PM

Source: FileCloud website as seen by a typical user at
filecloudonline.com/ui/admin/index.html#grup

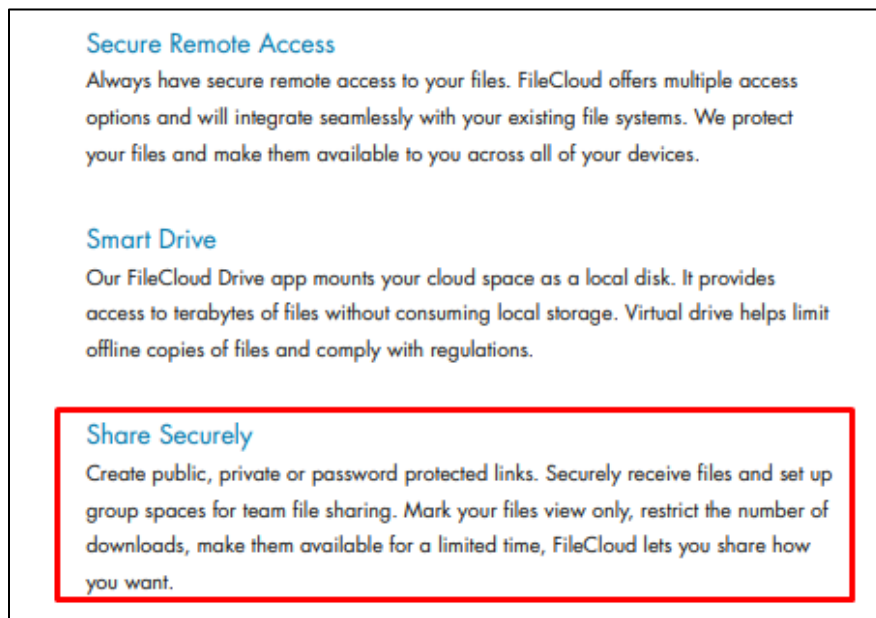
55. Claim 3 of the '120 Patent recites:

3. The method of claim 2, wherein the file is distributed to all members in the group without sending a copy of the file to each of the all members in the group at the same time.

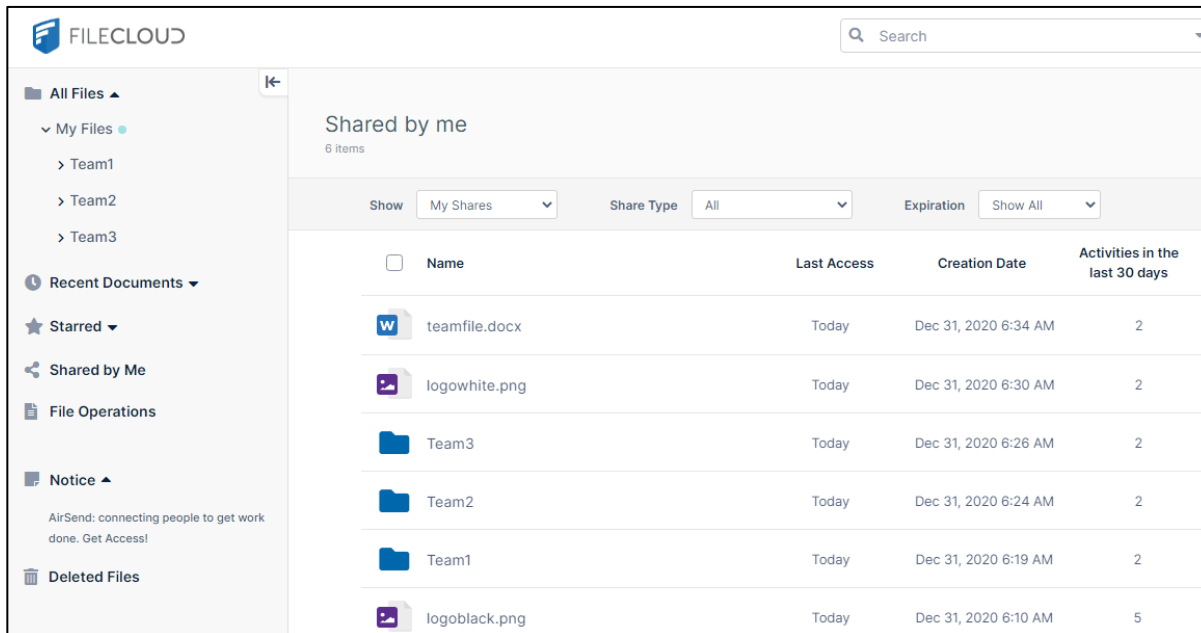
56. With the Accused Product, Defendant performs a method for sharing data via a server wherein the file is distributed to all members in the group without sending a copy of the file to each of the all members in the group at the same time. For example, the shared file is present in the cloud storage and is accessible to all the users with proper access permissions rather than sending a copy of the file to each user with proper access permissions.



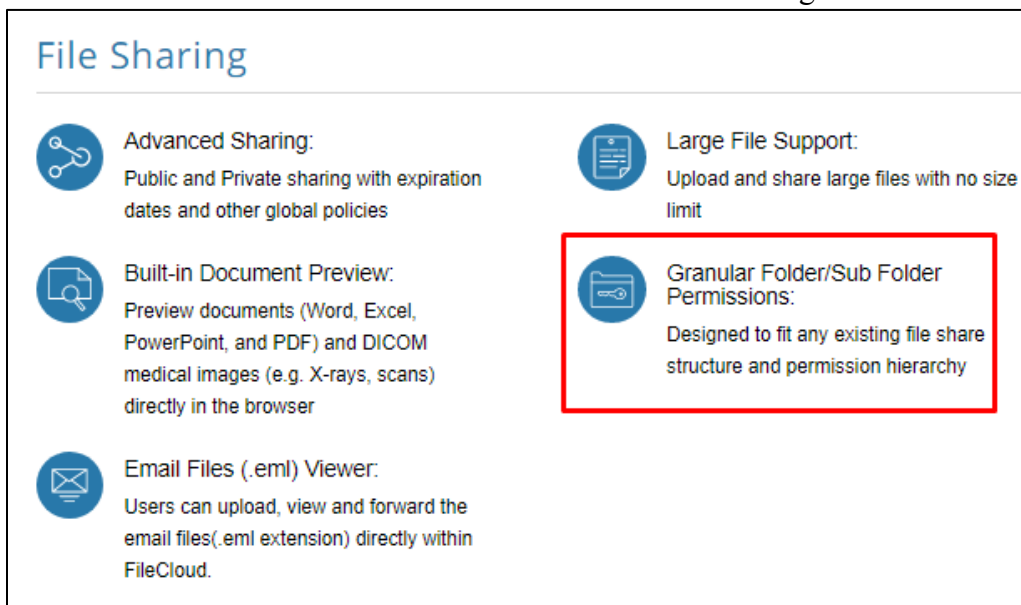
Source: <https://www.getfilecloud.com/>



Source: <https://www.getfilecloud.com/FileCloud%20Server%20DataSheet.pdf>



Source: FileCloud website as seen by a typical user at filecloudonline.com/ui/core/index.html#shrd-mgmt



Source: <https://www.getfilecloud.com/>

Secure File Sharing

Create a public or a fully private share to files where you can exchange business files with clients easily and securely. You can send large files by email, conduct a secure file transfer or set up a collaboration space for project-related files.

Granular sharing options

Limit the maximum number of downloads for a shared file, automatically expire a share after a certain time, anonymous file uploads, prevent downloads, and integrate file uploads with your website and more.

File versioning and recyclebin

Automatically saves versions of files as they change, making it easy to get back to a previous versions. Recycle bin support allows deleted files and folders to be recovered by users or admins quickly and effectively.

Endpoint backup

Backup and restore across all platforms (Win, Mac, Linux) and devices (Desktops and Smartphones). Automatically backup media files from iOS and Android devices to FileCloud.




Manage Shares

Based on share permissions, users can manage shares created by other users. Share Owners can view and manage shares created from their shared folders by other users. Share Owners can assign managers to view and manage shares created from their shared folders by other users.

Source: <https://www.getfilecloud.com/filecloud-overview-tour/#>

Share link for teamfile.docx

Share Link

[Modify Link](#)   

Shared File
/rahul/teamfile.docx

Share Options **Share History**

Share Name: teamfile.docx [Change](#)








Expires: [Never](#)

Send Email Notifications: [Yes](#)

☐ Allow anyone with link
☐ Allow anyone with link and a password
☒ Allow selected users or groups

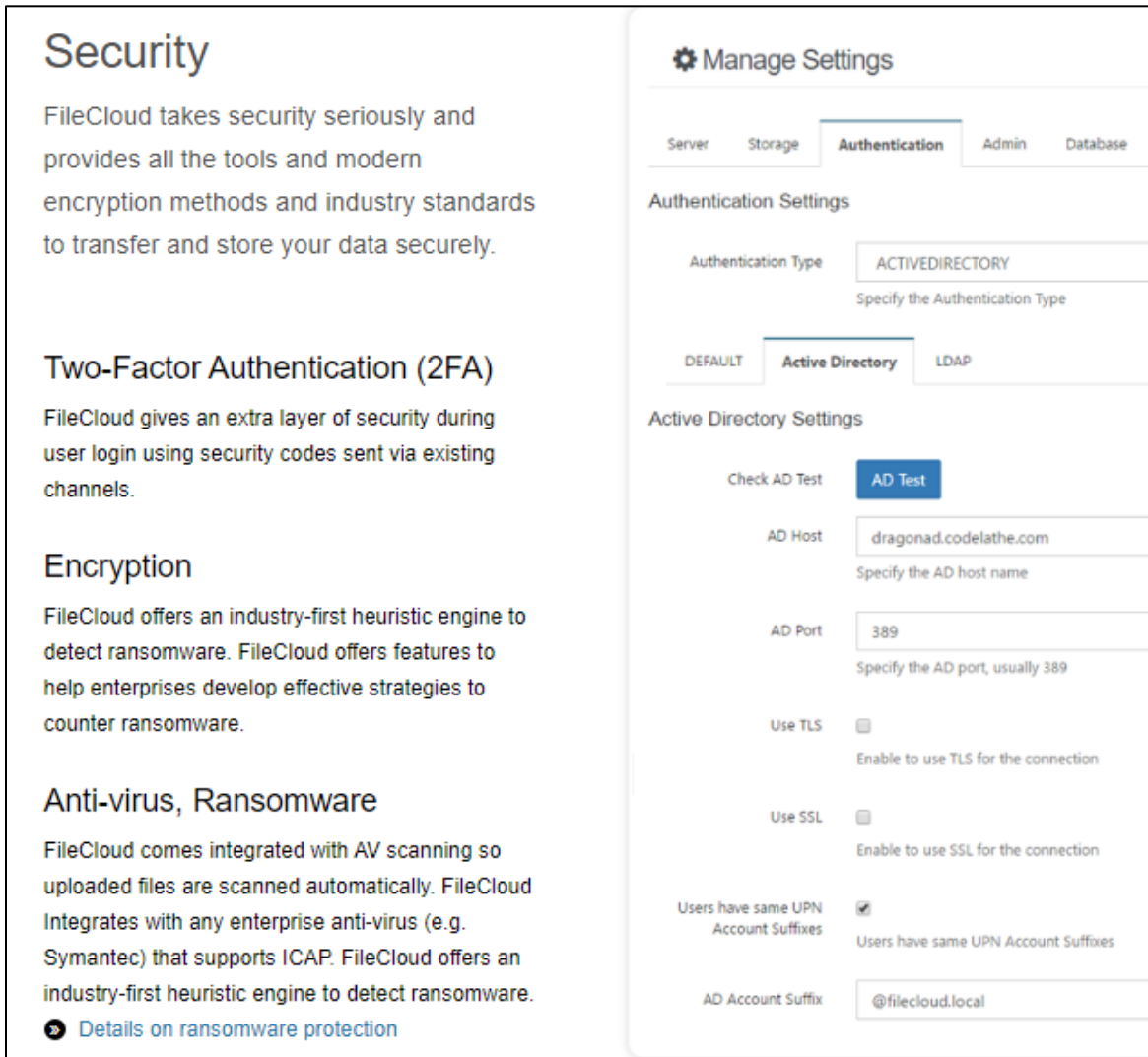
Users (1) **Groups**

Sharing Permissions: [Invite Users](#)

User	 View	 Download	 Upload	 Share	 Sync	 Delete	 Manage
gulshan@copperpo...	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> X

[Remove Share](#) [OK](#)

Source: FileCloud website as seen by a typical user at
filecloudonline.com/ui/core/index.html#shrd-mgmt



Source: <https://www.getfilecloud.com/filecloud-overview-tour/#>

57. The foregoing infringement on the part of Defendant has caused past and ongoing injury to Plaintiff. The amount of damages adequate to compensate for the infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the '120 Patent.
58. To the extent Defendant continues, and has continued, its infringing activities noted above in an infringing manner post-notice of the '120 Patent, such infringement is necessarily willful and deliberate.

PRAYER FOR RELIEF

WHEREFORE, BCS respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '120 Patent;
2. awarding BCS its damages suffered as a result of Defendant's infringement of the '120 Patent;
3. awarding BCS its costs, attorneys' fees, expenses, and interest; and
4. granting BCS such further relief as the Court finds appropriate.

JURY DEMAND

BCS demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: January 13, 2021

Respectfully Submitted

/s/ Thomas Fasone
Thomas Fasone III
Texas Bar No. 00785382
tfasone@ghiplaw.com
M. Scott Fuller
Texas Bar No. 24036607
sfuller@ghiplaw.com
Randall T. Garteiser
Texas Bar No. 24038912
rgarteiser@ghiplaw.com

GARTEISER HONEA, PLLC
119 W. Ferguson Street
Tyler, Texas 75702
Telephone: (903) 705-7420

/s/ Raymond W. Mort, III
Raymond W. Mort, III
Texas State Bar No. 00791308
raymort@austinlaw.com

THE MORT LAW FIRM, PLLC
100 Congress Ave, Suite 2000
Austin, Texas 78701
Tel/Fax: (512) 865-7950

ATTORNEYS FOR PLAINTIFF
BCS SOFTWARE, LLC